

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PURDUE PHARMA L.P.,)
PURDUE PHARMACEUTICALS L.P.,)
and RHODES TECHNOLOGIES,)
)
Plaintiffs,) C.A. No. 20-1362 (RGA) (JLH)
v.)
)
ACCORD HEALTHCARE INC.,)
)
Defendant.)

FINAL JUDGMENT

WHEREAS this patent infringement action was brought by Purdue Pharma L.P., Purdue Pharmaceuticals L.P., and Rhodes Technologies (“Plaintiffs”) alleging, *inter alia*, that the filing of Abbreviated New Drug Application (“ANDA”) No. 213564 by Accord Healthcare Inc. (“Defendant”) infringed U.S. Patent Nos. 9,763,933 (“the Mannion ’933 patent”), 9,775,808 (“the ’808 patent”), 9,763,886 (“the ’886 patent”), 9,073,933 (“the ’933 patent”), and 9,522,919 (“the ’919 patent”) (D.I. 1);

WHEREAS this matter came before the Court for a bench trial to resolve the questions of (1) whether claim 3 of the Mannion ’933 patent is invalid for obviousness, (2) whether claim 3 of the ’808 patent is invalid for obviousness, (3) whether claim 6 of the ’886 patent is invalid for obviousness, (4) whether claims 3 and 11 of the ’933 patent are invalid for obviousness, and (5) whether claim 21 of the ’919 patent is invalid for obviousness;

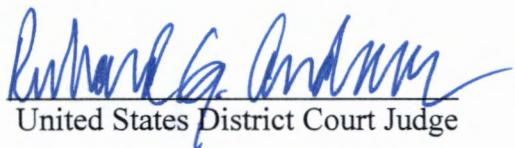
WHEREAS the Court held a bench trial in the above-captioned action from September 19 to September 21, 2022;

WHEREAS the Court issued an opinion setting forth its findings of fact and conclusions of law on April 11, 2023 (D.I. 118).

IT IS HEREBY ORDERED AND ADJUDGED:

- (1) that claim 3 of U.S. Patent No. 9,763,933 is declared to be invalid on the ground of obviousness, under 35 U.S.C. § 103;
- (2) that claim 3 of U.S. Patent No. 9,775,808 is declared to be invalid on the ground of obviousness, under 35 U.S.C. § 103;
- (3) that claim 6 of U.S. Patent No. 9,763,886 is declared to be invalid on the ground of obviousness, under 35 U.S.C. § 103;
- (4) that claims 3 and 11 of U.S. Patent No. 9,073,933 is declared to be invalid on the ground of obviousness, under 35 U.S.C. § 103;
- (5) that claim 21 of U.S. Patent No. 9,522,919 is declared to be invalid on the ground of obviousness, under 35 U.S.C. § 103;
- (6) that in view of the Court's rulings that the asserted claims of the Mannion '933 patent, the '808 patent, the '886 patent, the '933 patent, and the '919 patent are invalid, judgment is granted in favor of Defendant on each of Plaintiffs' claims of patent infringement with respect to those patents;
- (7) Pursuant to entry of this Final Judgment, all other claims and counterclaims shall be dismissed with prejudice.

SIGNED this 26th day of April 2023.



United States District Court Judge